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DOCKET NO.: S1192.70038US01

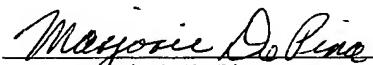
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian G. Connor et al.  
Serial No.: 10/695,632  
Confirmation No.: 6413  
Filed: October 27, 2003  
For: SURGICAL DEVICES INCORPORATING LIQUID JET ASSISTED  
TISSUE MANIPULATION AND METHODS FOR THEIR USE  
Examiner: Katherine Marie Dowe  
Art Unit: 3734

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 11th day of January, 2007.

  
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Marjorie DePina

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**MAIL STOP AMENDMENT**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

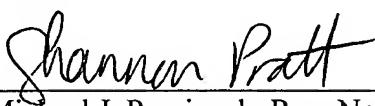
- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

  
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Date: January 11, 2007  
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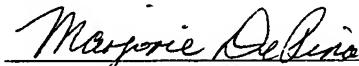
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Marjorie DePina

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MAIL STOP AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313/1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants request consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above/identified case.

No fee or certification is required.

PART II: Information Cited

The Applicants hereby make of record in the above/identified application the information listed on the attached form PTO/1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicants would like to bring to the Examiner's attention the enclosed International Search Report for co-pending International Application No. PCT/US2003/034174.

The Applicants would like to bring to the Examiner's attention the following other information, whose relevance is discussed in Part III below:

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The relevance of EP 0 175 096 is indicated in its attached English language translation.

The relevance of EP 0 280 972 is indicated in its attached English language translation.

The Applicants are not in possession of any English language translations of the following references.

The relevance of DE 19 734 890 is indicated in its figures, and in its English abstract obtained online from the European Patent Office.

The relevance of DE 29 33 266 is indicated in its figures.

The relevance of DE 3 421 390 is indicated in its figures, and in its English abstract obtained online from the European Patent Office.

The relevance of DE 3 320 076 is indicated in its figures, and in its English abstract obtained online from the European Patent Office.

The relevance of DE 40 18 736 is indicated in its figures, and in its English abstract obtained online from the European Patent Office.

The relevance of EP 0 551 920 is indicated in its figures, and in its English abstract obtained online from the European Patent Office.

The relevance of EP 0 555 549 is indicated in its figures, and in its English abstract obtained online from the European Patent Office.

The relevance of FR 2 779 935 is indicated in its figures, and in its English abstract obtained online from the European Patent Office.

The relevance of FR 2 779 934 is indicated in its figures, and in its English abstract obtained online from the European Patent Office.

The relevance of WO 94/28807 is indicated in its figures, and in its English abstract.

The relevance of WO 96/24299 is indicated in its figures, and in its English abstract.

The relevance of WO 97/03713 is indicated in its figures, and in its English abstract.

The relevance of WO 97/49441 is indicated in its figures, and in its English abstract.

The relevance of WO 99/65407 is indicated in its figures, and in its English abstract.

The relevance of WO 99/65408 is indicated in its figures, and in its English abstract.

The relevance of WO 99/66848 is indicated in its figures, and in its English abstract.

#### PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO/1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

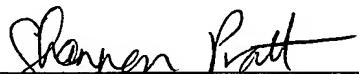
By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicants, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:

  
\_\_\_\_\_  
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Shannon Pratt, Reg. No. 55,548  
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Telephone: (617) 646/8000

Date: January 11, 2007

|   |   |    |    |                                   |                                   |
|---|---|----|----|-----------------------------------|-----------------------------------|
| <p style="text-align: center;"><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b></p> |   |    |    | APPLICATION NO.: 10/695,632       | ATTY. DOCKET NO.: S1192.70038US01 |
|   |   |    |    | FILING DATE: October 27, 2003     | CONFIRMATION NO.: 6413            |
|   |   |    |    | APPLICANT: Brian G. Connor et al. |                                   |
|   |   |    |    | GROUP ART UNIT: 3734              |                                   |
| Sheet   | 1 | of | 10 |                                   |                                   |

**U.S. PATENT DOCUMENTS**

| Examiner's Initials | Cite No. | U.S. Patent Document |           | Name of Patentee or Applicant of Cited Document | Date of Publication or of issue of Cited Document MM/DD/YYYY |
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|---|---|----|----|-----------------------------|-----------------------------------|--------------------------------|
| <b>FORM PTO/1449/A and B (Modified)</b><br><b>INFORMATION DISCLOSURE</b><br><b>STATEMENT BY APPLICANT</b> |   |    |    | APPLICATION NO.: 10/695,632 | ATTY. DOCKET NO.: S1192.70038US01 |                                |
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|   |   |    |    | GROUP ART UNIT:             | 3734                              | EXAMINER: Katherine Marie Dowe |
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| Sheet   | 3 | of | 10 |                             |                                   |                                |

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| Sheet   | 4 | of | 10 |                                   |                                   |

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|---|---|----|----|-----------------------------|-----------------------------------|--------------------------------|
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| Sheet   | 5 | of | 10 |                             |                                   |                                |

|   |           |                   |            |
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STATEMENT BY APPLICANT**

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| APPLICANT:       | Brian G. Connor et al. |                   |                      |
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